

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,
v.

Criminal Case No. 09-20221-09
Civil Case No. 12-10989
HONORABLE DENISE PAGE HOOD

ROSA GENAO (D-9),

Defendant-Petitioner.

ORDER FOR ADDITIONAL BRIEFING OR AFFIDAVIT

This matter is before the Court on the Government's request for additional briefing on two factual issues as to Defendant Rosa Genao's ineffective assistance of counsel claim: 1) whether the government's plea offer was conveyed to Genao by her trial counsel; and, 2) whether prior to sentencing Genao was allowed by her trial counsel to review or dispute her Presentence Report. In light of the recent Supreme Court cases, *Missouri v. Frye*, 132 S.Ct. 1399 (2012) and *Lafler v. Cooper*, 132 S.Ct. 1376 (2012), the Court agrees that further facts be submitted by Genao, if she so chooses, for the Court's consideration. The Court notes that a petitioner bears the burden of showing that her trial counsel's performance was deficient and that the deficient performance prejudiced petitioner. *McPhearson v. U.S.*, 675 F.3d 553, 559 (6th Cir. 2012). Accordingly,

IT IS ORDERED that Genao submit further facts and/or an affidavit **by July 27, 2012**, indicating whether her trial counsel conveyed the government's plea offer to Genao and whether her trial counsel allowed Genao to review or dispute her Presentence Report prior to the sentencing date.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 5, 2012

I hereby certify that a copy of the foregoing document was served upon Rosa Genao #82716004, P.O. Box 1032, Coleman, FL 33521 and counsel of record on July 5, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager